

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,
Plaintiffs

and

United States of America,
Plaintiff-Intervenor,

v.

Tucson Unified School District, et al.,
Defendants,

and

Sidney L. Sutton, et al.,
Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

Maria Mendoza, et al.,
Plaintiffs,

and

United States of America,
Plaintiff-Intervenor,

v.

Tucson Unified School District, et al.
Defendants.

No. CV-74-0204-TUC-DCB

ORDER

Report and Recommendation: USP § IV.E Racially and Ethnically Diverse Staff

1 There being no objection and the Court finding good cause,

2 **IT IS ORDERED** adopting the recommendations of the Special Master set out in
3 his Report and Recommendation (Doc. 1913).

4 **IT IS FURTHER ORDERED** that the District shall act immediately to address
5 the racial disparities among faculty in TUSD schools as follows:

6 The District shall develop and implement a plan to reduce by half by the beginning
7 of the 2016-17 school year the number of schools in which there are existing racial
8 disparities, as defined by the USP, among the teaching staffs. This plan shall include, but
9 not be limited to the following practices:

10 1. School transfers by TUSD teachers shall not create or add to racial disparities in
11 any school.

12 2. School transfer requests that contribute to the elimination of racial disparities
13 shall have priority.

14 3. Incentives shall be used to motivate voluntary transfers. These incentives shall
15 include, but not be limited to, financial incentives, reduction or modification of workload,
16 and enhanced opportunities for professional advancement.

17 4. Beginning teachers may be assigned to schools at which students are achieving
18 above the district average when such assignment will increase faculty diversity.

19 5. As necessary, the district shall actively recruit teachers to transfer to new
20 schools when such transfers will bring about compliance with the relevant provisions of
21 the USP.

22 **IT IS FURTHER ORDERED** that the District shall develop and implement a
23 plan to eliminate all significant disparities in 2017-18 using the practices outlined above

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1 and such other practices as the District may deem appropriate. Given the experience in
2 implementing the plan for the coming school year, the District may amend the plan
3 submitting it for review and comment to the plaintiffs and the Special Master.

4 Dated this 25th day of March, 2016.

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David C. Bury
United States District Judge